

## OFFICIAL COPY

Fresno, California

June 22, 2004

The City Council met in regular session at the hour of 8:37 a.m. in the Council Chamber, City Hall, on the day above written.

Present:	Tom Boyajian	Councilmember
	Brian Calhoun	Councilmember
	Mike Dages	Councilmember
	Jerry Duncan	Councilmember
	Henry Perea	Acting Council President
	Cynthia Sterling	Councilmember
	Brad Castillo	Council President

Dan Hobbs, City Manager  
 Hilda Cantu Montoy, City Attorney  
 Becky Klisch, City Clerk  
 Yolanda Salazar, Assistant City Clerk

Gordon Donohoe, One by One Leadership, gave the invocation and Councilmember Duncan led the Pledge of Allegiance to the Flag.

#### PROCLAMATION OF JEAN CALABRESE DAY OF FRESNO HIGH SCHOOL - COUNCILMEMBER BOYAJIAN

Read and presented.

#### RESOLUTION OF COMMENDATION TO DOROTHY BELCHER, FINANCE DEPARTMENT/UB&C

Read and presented.

----

#### APPROVE MINUTES OF JUNE 15 and 16, 2004

On motion of Councilmember Duncan, seconded by Councilmember Dages, duly carried, RESOLVED, the minutes of June 15 and 16, 2004, approved as submitted.

----

#### **COUNCILMEMBER REPORTS AND COMMENTS:**

(1) APOLOGY TO CITY MANAGER HOBBS FOR FRUSTRATION EXPRESSED LAST WEEK, (2) REQUEST FOR STATUS ON THE ROOSEVELT COMMUNITY PLAN PARK SPACE CHANGE, (3) REQUEST FOR STATUS ON ROOSEVELT IMPLEMENTATION COMMITTEE RULE CHANGES, AND (4) NEED TO MAINTAIN MEDIAN ISLANDS CITY-WIDE - COUNCILMEMBER DAGES

Councilmember Dages stated he wanted to personally apologize to Mr. Hobbs for getting a little personal last week and added he would keep himself in check in the future as he always likes to stick with facts and specifics, and made his requests to the city manager on the remaining issues.

REQUEST CITY MANAGER DIRECT PARKS STAFF TO REPLACE TEN DEAD TREES AT THE ROEDING BUSINESS PARK - COUNCILMEMBER DUNCAN

Request made.

RAILROAD SAFETY AND CONCERN WITH PROPOSAL BY BNSF TO MOVE FORWARD ON A 5 ½ MILE RUNNING PASS/DUAL TRACK FROM WEST AVENUE TO THE SAN JOAQUIN RIVER THAT WOULD ALLOW TRAINS TO PASS EACH OTHER AT HIGH SPEEDS IN THE CITY OF FRESNO - COUNCILMEMBER CALHOUN

**143-234****6/22/04**

Councilmember Calhoun advised of the proposal stating the railroads were significantly ramping up because of increased freight business, asked for Council's attention to the matter, and advised additional information could be obtained from his office. Upon question of President Castillo, City Attorney Montoy responded the matter could be set on the agenda for further discussion and to determine what role the city might be able to play, whereupon Acting President Castillo requested staff look into the issue and schedule a report on an upcoming agenda.

- - - -

**APPROVE AGENDA:**

**(4-A) CLOSED SESSION - CONFERENCE WITH LABOR NEGOTIATOR - EMPLOYEE ORGANIZATIONS:**

1. INTERNATIONAL UNION OF OPERATING ENGINEERS, STATIONARY ENGINEERS LOCAL 39
2. FRESNO CITY EMPLOYEES ASSOCIATION (FCEA)
3. AMALGAMATED TRANSIT UNION, LOCAL 1027 (ATU)
4. INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS, LOCAL 100 (IBEW)
5. CITY OF FRESNO PROFESSIONAL EMPLOYEES ASSOCIATION (CFPEA)
6. CITY OF FRESNO MANAGEMENT EMPLOYEES ASSOCIATION (CFMEA)
7. FRESNO POLICE OFFICERS ASSOCIATION - MANAGEMENT (POLICE MANAGEMENT)

City Manager Hobbs requested the above matter be continued one week due to the full agenda and the matter being premature. City Attorney Montoy clarified the matter was placed on the agenda due to an item on last week's agenda and Council direction to schedule the matter in closed session. Upon question, Ms. Montoy stated the Friend-of-the-Court closed session item was time sensitive and needed to be heard this date.

On motion of Councilmember Calhoun, seconded by Councilmember Duncan, duly carried, RESOLVED, the above entitled labor negotiation item laid over one week, by the following vote:

Ayes :	Boyajian, Calhoun, Dages, Duncan
Noes :	Perea, Sterling, Castillo
Absent :	None

**(1-G) AUTHORIZE THE PUBLIC WORKS DIRECTOR TO NEGOTIATE AND EXECUTE A CONTRACT NOT TO EXCEED \$3,444,372 WITH HANOVER COMPRESSION L.P. OF BROKEN ARROW, OKLAHOMA, TO DESIGN, BUILD AND MAINTAIN A COMPRESSED NATURAL GAS FUELING FACILITY**

Removed from the agenda by staff/to be rescheduled in July.

**(1-B) RESOLUTION - APPROVING THE FINAL MAP OF TRACT NO. 5180 AND ACCEPTING DEDICATED PUBLIC USES THEREIN, NORTHEAST CORNER OF E. HUNTINGTON BOULEVARD AND "R" STREET IN COUNCIL DISTRICT 3**

1. AUTHORIZE THE PLANNING & DEVELOPMENT DIRECTOR TO EXECUTE THE CONDOMINIUM CONVERSION AGREEMENT FOR TRACT NO. 5180 (*NOTE - DISCUSSED AGAIN LATER*)

City Clerk Klisch advised staff was requesting Item 1-B be moved to general administration to allow the applicant to provide necessary documents. President Castillo stated he preferred that the matter be removed from the agenda completely due to the full calendar, whereupon the item was removed from the agenda by council consensus. (*NOTE - The matter was subsequently brought up again for clarification and was placed back on the agenda and set for 4:55 p.m.*)

**(4:15 P.M.) HEARING ON PLAN AMENDMENT NO. A-03-22, REZONE APPLICATION NO. R-03-69, REZONE APPLICATION NO. R-03-84, AND ENVIRONMENTAL FINDINGS, FILED BY INGELS-BRAUN ON BEHALF OF SUNNYSIDE RANCH, 109 GROSS ACRES OF LAND LOCATED ON THE EAST SIDE OF CLOVIS AVENUE BETWEEN THE UNION PACIFIC RAILROAD (CALIFORNIA AVENUE ALIGNMENT) AND TO A POINT 350 FEET SOUTH OF THE E. CHURCH AVENUE ALIGNMENT IN COUNCIL DISTRICT 5**

143-235

6/22/04

1. CONSIDER AND ADOPT FINDING OF MITIGATED NEGATIVE DECLARATION FOR ENVIRONMENTAL ASSESSMENT A-03-22/C-03-69/R-03-84/T-5258/T-5295
2. RESOLUTION - AMENDING THE 2005 FRESNO GENERAL PLAN AND THE ROOSEVELT COMMUNITY PLAN
3. BILL - AMENDING THE OFFICIAL ZONE MAP TO REZONE AN APPROXIMATELY 70 NET ACRE PORTION OF THE SITE FROM AE-5 AND AE-5/UGM TO R-1/UGM (RELATED VESTING TENTATIVE TRACT MAP NO. 5258 PROPOSES TO SUBDIVIDE THE SUBJECT AREA INTO 258 SINGLE FAMILY RESIDENTIAL LOTS)
4. BILL - AMENDING THE OFFICIAL ZONE MAP TO REZONE AN APPROXIMATELY 26 NET ACRE PORTION OF THE SITE FROM AE-5 AND AE-5/UGM TO R-1 (RELATED VESTING TENTATIVE TRACT MAP NO. 5295 PROPOSES TO SUBDIVIDE THE SUBJECT AREA INTO 123 SINGLE FAMILY RESIDENTIAL LOTS)

Laid over one week with the concurrence of staff, the developer and by Council consensus.

**(2-B) AUTHORIZE AND APPROVE THE AMENDED CONTRACT BETWEEN THE CITY OF FRESNO POLICE DEPARTMENT AND CURRENT ROTATIONAL TOW OPERATORS**

**1. BILL - AMENDING SECTIONS OF THE FRESNO MUNICIPAL CODE RELATING TO THE FRESNO POLICE DEPARTMENT ROTATION TOW PROGRAM**

At the request of President Castillo and by Council consensus, the matter was set for 5:00 p.m. for the convenience of tow operators who had to attend a meeting with the CHP.

On motion of Councilmember Dages, seconded by Councilmember Duncan, duly carried, **RESOLVED**, the **AGENDA** hereby approved, as amended, by the following vote:

Ayes	:	Boyajian, Calhoun, Dages, Duncan, Perea, Sterling, Castillo
Noes	:	None
Absent	:	None

----

#### **ADOPT CONSENT CALENDAR:**

Gloria Torrez spoke in opposition to **1-G** and natural gas fuel; and relative to **1-J** stated the San Joaquin Valley Air District was initially going to fund the issue and she was opposed to using FAX dollars.

Barbara Hunt, 2475 S. Walnut, expressed concern with Item **1-C**.

Relative to Item **1-E** Councilmember Calhoun noted this was an on-going purchase done in a non-competitive mode and over the many years of continuing to buy the same product the competitive edge of competitive contracting is lost and he hoped staff would look at that real closely; stated he was glad Item **1-G** was removed from the agenda as he still had concerns with the way the issue was coming forth and stated he was disappointed that months or years later the city was still "screwing around" with the issue and he looked forward to it coming back in July solid and not "wishy-washy"; and relative to Item **1-M** complimented Executive Wings for hanging in there and continuing to pay for the land clean up even though they were no longer in business.

**(1-B) RESOLUTION - APPROVING THE FINAL MAP OF TRACT NO. 5180 AND ACCEPTING DEDICATED PUBLIC USES THEREIN, NORTHEAST CORNER OF E. HUNTINGTON BOULEVARD AND "R" STREET IN COUNCIL DISTRICT 3**

**1. AUTHORIZE THE PLANNING & DEVELOPMENT DIRECTOR TO EXECUTE THE CONDOMINIUM CONVERSION AGREEMENT FOR TRACT NO. 5180 (CONTINUED FROM EARLIER)**

At this point Assistant City Manager Souza requested clarification advising the matter was time sensitive, and was told the matter had been removed from the agenda. Upon question of President Castillo, Planning & Development Director clarified only a couple of signatures were needed, this was a routine item and it was department policy to have the required signatures before recording the map, and recommended the matter be scheduled at 4:55 p.m. advising it would only be ten second presentation. By Council consensus the matter was set for 4:55 p.m.

143-236

6/22/04

**(1-A) RESOLUTION NO. 2004-199** - APPROVING THE FINAL MAP OF TRACT NO. 4422 AND ACCEPTING DEDICATED PUBLIC USES THEREIN, NORTH SIDE OF W. SIERRA BETWEEN N. BLYTHE AND N. BRAWLEY AVENUES IN COUNCIL DISTRICT 2

1. AUTHORIZE THE PUBLIC WORKS DIRECTOR TO EXECUTE THE SUBDIVISION AGREEMENT
2. AUTHORIZE THE PUBLIC UTILITIES DIRECTOR TO EXECUTE THE STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT FOR SPECIAL SOLID WASTE SERVICE

**(1-C) RESOLUTION NO. 2004-200** - 90<sup>TH</sup> AMENDMENT TO AAR 2003-209 APPROPRIATING \$747,100 OF FEDERAL FUNDING FROM THE NATIONAL GUARD BUREAU (NGB) TO REIMBURSE THE FRESNO YOSEMITE INTERNATIONAL AIRPORT (FYI) FOR THE CONSTRUCTION OF A BAK-14 AIRCRAFT ARRESTING SYSTEM AND FAA AIRPORT IMPROVEMENT PROJECT GRANT (AIP) NO. 46 IN THE AMOUNT OF \$2,373,700 TO COMPLETE A PORTION OF THE TOTAL FUNDING FOR THE REHABILITATION OF TAXIWAY A AND RUNWAY 29R AT FYI

1. AWARD A CONTRACT FOR THE BASE BID WITHOUT DEDUCTIVE ALTERNATES IN THE AMOUNT OF \$8,631,430 TO GRANITE CONSTRUCTION COMPANY OF WATSONVILLE, CA, FOR THE REHABILITATION OF RUNWAY 11L-29R, REHABILITATION OF BAK 14 ON RUNWAY 29R, AND RECONSTRUCTION OF TAXIWAY A

**(1-D)** AUTHORIZE THE CHIEF INFORMATION OFFICER TO ENTER INTO A CONTRACT WITH AIRPHOTOUSA TO PROVIDE COMPLETE AND CORRECTED AERIAL PHOTO MAPPING SERVICES OF THE CITY

**(1-E) RESOLUTION NO. 2004-201** - AUTHORIZING THE PURCHASING MANAGER TO NEGOTIATE THE PURCHASE OF WASTEWATER FLOW MONITORING EQUIPMENT FROM ADS ENVIRONMENTAL SERVICES UNDER THE SOLE SOURCE EXCEPTION AT A COST WITH FREIGHT AND SALES TAX NOT TO EXCEED \$100,000

1. APPROVE AN AMENDMENT TO THE AGREEMENT WITH ADS ENVIRONMENTAL SERVICES INCREASING THE CONTRACT AMOUNT BY \$100,000 FOR PURCHASE OF THE NEW FLOW MONITORS AND AN ADDITIONAL \$23,220 FOR MAINTENANCE AND SERVICE OF THE NEW MONITORS
2. AUTHORIZE THE DIRECTOR OF PUBLIC UTILITIES TO EXECUTE THE ADS CONTRACT AMENDMENT

**(1-F)** APPROVE A ONE-YEAR EXTENSION, TO JUNE 30, 2005, OF THE SEVERAL USE AND LEASE AGREEMENTS WITH ALLEGIANT AIR, INC., AMERICAN EAGLE AIRLINES, INC., HORIZON AIR INDUSTRIES, INC., MESA AIR GROUP, INC. AND SKYWEST AIRLINES, INC. , AND AUTHORIZE THE DIRECTOR OF AVIATION TO SIGN THE EXTENSION DOCUMENTS ON BEHALF OF THE CITY

**(1-H)** AWARD A CONTRACT TO AMERICAN PAVING COMPANY OF FRESNO IN THE AMOUNT OF \$191,735.50 FOR STREET IMPROVEMENTS WHICH WILL ALSO INCLUDE WIDENING OF FRESNO STREET BETWEEN "Q" AND "S" STREETS

**(1-I)** AWARD A REQUIREMENTS CONTRACT IN THE AMOUNT OF \$374,732.51 TO J. F. PACIFIC LINERS, INC., OF VACAVILLE, CA, FOR MAGNESIUM HYDROXIDE SEWER CROWN SPRAY TREATMENT FOR THE SEWER MAINTENANCE DIVISION

**(1-J)** AWARD A ONE-YEAR REQUIREMENTS CONTRACT WITH PROVISIONS FOR TWO ONE-YEAR EXTENSIONS TO ENTERPRISE RIDESHARE OF SAN LEANDRO, CA, IN THE AMOUNT OF \$74,820 FOR LEASING OF VANPOOL VEHICLES

**(1-K)** AWARD A CONTRACT TO TNT INDUSTRIAL CONTRACTORS, INC., OF SACRAMENTO, CA, IN THE AMOUNT OF \$512,700 FOR CONSTRUCTION OF LIFT STATION NO. 6 IMPROVEMENTS AT CHAMPLAIN DRIVE EAST OF PERRIN AVENUE

**(1-L)** AWARD A CONTRACT TO EMMETT'S EXCAVATION INC., OF CLOVIS, CA, IN THE AMOUNT OF \$431,338 FOR BASIN "T" EXPANSION

**(1-M)** APPROVE A MUTUAL TERMINATION OF EXECUTIVE WINGS INC.,S LEASE FOR A SITE AT FRESNO YOSEMITE INTERNATIONAL AIRPORT EFFECTIVE APRIL 30, 2004, IN CONSIDERATION OF THEIR REMOVAL OF THE UNDERGROUND FUEL STORAGE TANKS AND OTHER IMPROVEMENTS INSTALLED BY THEM, AND THEIR RESTORATION OF THE SITE OVER THE SUBSEQUENT 12 YEARS, INCLUDING CLEARING THE SOIL OF THE FUEL THAT LEAKED FORM THE TANKS, AND AUTHORIZE THE DIRECTOR OF AVIATION TO SIGN THE TERMINATION

## DOCUMENTS ON BEHALF OF THE CITY

City Attorney Montoy noted approval of Item 1-M would be subject to an environmental assessment.

143-237

6/22/04

**(1-N)** APPROVE THE REQUEST FROM FORD CONSTRUCTION COMPANY, INC., TO SUBSTITUTE SUBCONTRACTOR MAGNUM PACIFIC, INC., WITH BARTHOLOMEW CONSTRUCTION, INC., FOR THE 16" PAVEMENT, CONCRETE BURIED SLAB, AND TEST PLUGS PORTION OF THE AIR CARGO PARK-AIRSIDE DEVELOPMENT PROJECT AT THE FRESNO YOSEMITE INTERNATIONAL AIRPORT

**(1-O)** APPROVE THE ACQUISITION OF AN EASEMENT ON FRESNO COUNTY ASSESSOR'S PARCEL 504-090-89 FOR THE WIDENING OF HERNDON AVENUE BETWEEN POLK AND WEBER FROM RANCHO RIVINGTON, LP, FOR A TOTAL OF \$8,350, AND AUTHORIZE THE INTERIM PUBLIC WORKS DIRECTOR TO SIGN THE DOCUMENTS ON BEHALF OF THE CITY

**(1-P) RESOLUTION NO. 2004-202** - DEDICATING CERTAIN CITY-OWNED PROPERTY FOR PUBLIC WALKWAY PURPOSES AND PUBLIC LANDSCAPE PURPOSES

**(1-Q) RESOLUTION NO. 2004-203** - AUTHORIZING SUBMISSION OF AN APPLICATION TO THE FEDERAL AVIATION ADMINISTRATION (FAA) TO AMEND THE EXISTING \$3.00 PASSENGER FACILITY CHARGE (PFC) AT FYI TO \$4.50

**(1-R)** AUTHORIZE A 3-MONTH INTERIM CONTRACT TO BSK ANALYTICAL LABORATORIES, INC., OF FRESNO IN THE AMOUNT OF \$70,000 AND AUTHORIZE 3 -MONTH INTERIM CONTRACT TO TWINING LABORATORIES, INC., OF FRESNO IN THE AMOUNT OF \$15,000 FOR WATER QUALITY TESTING THROUGH SEPTEMBER 22, 2004, UNTIL A NEW RFP PROCESS AND CONTRACTS CAN BE COMPLETED

**(1-S)** AUTHORIZE 3-MONTH INTERIM CONTRACTS TO S & A FARMS, CENTRAL VALLEY MORTGAGE AND SEQUOIA WESTERN CONSTRUCTION FOR THE COMBINED AMOUNT OF \$150,000 FOR WEED ABATEMENT AND PUBLIC NUISANCE ABATEMENT THROUGH SEPTEMBER 30, 2004, UNTIL A NEW RFP PROCESS AND CONTRACTS CAN BE COMPLETED

**(1-T)** APPROVE A PROFESSIONAL SERVICES AGREEMENT WITH BROWN AND CALDWELL FOR PREPARATION OF A FEASIBILITY STUDY OF A CITY-OWNED AND OPERATED REGIONAL CO-COMPOSTING FACILITY LOCATED AT OR NEAR THE FRESNO/CLOVIS REGIONAL WASTEWATER RECLAMATION FACILITY (RWRF)

On motion of Councilmember Calhoun, seconded by Councilmember Dages, duly carried, **RESOLVED**, the above entitled **CONSENT CALENDAR** hereby adopted, by the following vote:

Ayes :	Boyajian, Calhoun, Dages, Duncan, Perea, Sterling, Castillo
Noes :	None
Absent :	None

-----

**(9:00 A.M.)** DIRECT STAFF TO ALLOW THE PRIVATE SECTOR TO COMPETITIVELY BID ON THE "NO NEIGHBORHOOD LEFT BEHIND" CONSTRUCTION PROGRAM AND PRESENT TO COUNCIL AN APPROPRIATE ANALYSIS AND RECOMMENDATION. ANALYSIS TO INCLUDE A FAIR, EQUITABLE AND COMPARATIVE BID PROCESS WITH THE CITY'S ACTUAL AND FULL COST ALONG WITH ALL FINANCING COSTS INCURRED IF DEBT FINANCING IS USED. CITY'S COST WILL INCLUDE BUILDING AND EQUIPMENT PURCHASES, HIRING COSTS FOR THE 54 NEW EMPLOYEES, AND ALL OTHER IDENTIFIABLE COSTS ASSOCIATED WITH THIS PROGRAM - COUNCILMEMBER DUNCAN

Councilmember Duncan clarified there was no intent by anyone to stop the program and he simply wanted this program done in the most cost effective manner as possible; expressed concern with (1) the proposed 54 positions stating this would be the most new non-public safety city employees hired in city history and (2) with \$5.6 million in new equipment; stated staff's report was weak and explained; stated Council needed to fulfill its obligation as elected officials to do their due diligence with taxpayer money; clarified the

issue had nothing to do with public works crews stating they were professionals, did outstanding work and had proven themselves; and stated the issue was one of economics and fairness and elaborated at length.

Speaking to the issue were: **(2 - 0)** Barbara Hunt, 2475 S. Walnut, opposed to competitive bidding/support for employees; John Hudson, Secretary-Treasurer of the Building and Construction Trades for Fresno/Madera/Tulare/Kings Counties, support for competitive bidding process; Steve Newvine, CEO, Greater Fresno Chamber of Commerce, support for competitive bidding; John Sloan, , 315 N. Thorne, American Paving Co., support for competitive bidding; Bob Jennings, Business Manager, Plumbers and Pipefitters Union, 1580 E. Richmond, support for competitive bidding; Will Lyles, Vice President of Construction and Operations of Lyles Diversified; support for competitive bidding; Gloria Torrez, support for street employees; and Marina Magdaleno, Business Agent for Local 39, opposed to competitive bidding.

**143-238**

**6/22/04**

Mayor Chief of Staff White spoke to how the decision was made to go with city workers and to the number of factors that were considered in making the determination, and responded to a question of Councilmember Duncan relative to whether it was known unequivocally if city staff could do the work at a lower cost.

Councilmember Duncan made a motion to direct staff as outlined above. Councilmember Calhoun seconded the motion and stated he originally voted against the program due to the financing portion stating the city was on a bonding binge; commended Councilmember Duncan on the issue motion stating it was reasonable; clarified stated he had great respect for street staff but stated this was a huge endeavor and the biggest public works project ever embarked upon; stated project needed to be done right everyone needed to take a breath and see who could do it most cost efficiently; and stated this was a no-brainer and it may even be determined it can be done with minimal or no bonding.

Assistant City Manager Ruiz and City Manager Hobbs gave an overview of the project, stated the city does this work and explained how they will be able to provide the best value for the community, advised some parts of the project would be contracted out, clarified issues relative to the positions, cost factors, managed competition and why this project was different, and how the city will be able to save 15% by doing the work in-house (no profit/no taxes), and stated there would be a problem with a delay and spoke to the important commitment that was made to the neighborhoods.

Extensive discussion ensued with Councilmember Boyajian, President Castillo, Acting President Perea and Councilmembers Sterling, Dages and Duncan presenting questions, commenting and/or expressing concerns on various issues at length relative to specifics of the work involved, cost factors, why and how city employees can do the job more cost efficiently, the new positions including wages to be paid/qualifications/experience **(3 - 0)**, what type of bid would go out if approved, if staff was working on financial packages to save the city money, specifics relative to the modified 7-Week Program and hope that Council will approve the program, the project going away/not happening if the project goes out to bid, need to support the No Neighborhood Left Behind (NNLB) program if Council wants to "beef-up" the 7-Week program, concern with attempts to kill the NNLB program, \$6.8 million and 11 neighborhoods to be lost if the motion on the floor succeeds, need to take an aggressive position and stand by the people, Councilmember Sterling speaking to how times have changed and elaborating on numerous issues and expressing her frustration, what areas the city works with the private sector in, the apprenticeship program, when the city would start work once finally approved, Council being in a hard position, Councilmember Duncan expressing his concern with comments made that he was trying to kill the program because of geographics and imploring Council to stick with issues in public and not get personal, difference between design & build and field design, requirement for contingency set aside funds, if a majority of employees hired would come from the private sector, Budget Motion #1 supporting the case for street employees **(4 - 0)**, the accountability ordinance and problems encountered with the private sector in getting information, if city staff has ever had to go out and repair work done by the private sector, lighting and who will oversee that portion of the project, the comment relative to "ram-rodging" the project and if staff fully discussed with the Mayor the issues of privatization and staff's reasons for not going out to bid, and what the cost impact would be of a one year delay, with Assistant PW/Streets Director Dilley, City Attorney Montoy, Mr. Hobbs, Finance Director Quinto and Mr. Ruiz responding to questions/comments throughout.

A motion of Councilmember Duncan, seconded by Councilmember Calhoun, to direct staff to allow the private sector to competitively bid on the "No Neighborhood Left Behind" construction program and present to Council an appropriate analysis and recommendation with the analysis to include a fair, equitable and comparative bid process with the city's actual and full cost along with all financing costs incurred if debt financing is used, and the city's cost to include building and equipment purchases, hiring costs for the 54 new employees, and all other identifiable costs associated with this program, failed, by the following vote:

Ayes :	Calhoun, Duncan
Noes :	Boyajian, Dages, Perea, Sterling, Castillo
Absent :	None

----

**RECESS - 11:12 A.M. - 11:29 A.M.**

**(9:30 A.M.) ACTION ON THE FY 2005 BUDGET AND RELATED ITEMS** (PUBLIC TESTIMONY/HEARING CLOSED ON 6/16/04)

- 1.. LIST OF FY 2005 MOTIONS FOR CONSIDERATION AND ACTION
- 2 RESOLUTION - ADOPTING THE FY 2004-2005 BUDGET, INCLUDING THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) BUDGET AND THE ANNUAL APPROPRIATION RESOLUTION (AAR)
3. RESOLUTION - ADOPTING THE FY 2004-2005 POSITION AUTHORIZATION RESOLUTION (PAR)
4. RESOLUTION - ADOPTING THE ANNUAL AMENDMENT TO MASTER FEE SCHEDULE (MFS) RESOLUTION NO. 80-420
5. BILL (FOR INTRODUCTION AND ADOPTION) - ADOPTING THE PROPERTY TAX OVERRIDE (PTO) ORDINANCE

**143-239**

**6/22/04**

6. RESOLUTION -SELECTING METHOD FOR DETERMINATION OF THE FY 2004-2005 GANN APPROPRIATION LIMIT
7. RESOLUTION - ADOPTING THE FY 2005 SALARY RESOLUTION (ESTABLISHING RULES FOR THE APPLICATION OF CITY EMPLOYEE COMPENSATION RATES AND SCHEDULES AND RELATED REQUIREMENTS, AND ESTABLISHING COMPENSATION RATES AND SCHEDULES)
8. RESOLUTION - APPROVING SUBMISSION OF THE FY 2005 ANNUAL ACTION PLAN TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) FOR USE OF COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG), HOME INVESTMENT PARTNERSHIP (HOME), EMERGENCY SHELTER GRANT (ESG), AND THE AMERICAN DREAM DOWNPAYMENT INITIATIVE (ADDI) PROGRAM FUNDS, AND AUTHORIZING THE CITY MANAGER TO SIGN ALL IMPLEMENTING DOCUMENTS AS REQUIRED BY HUD

Acting President Castillo clarified the public hearing was closed on June 16<sup>th</sup> and advised of the process that would be followed this date relative to motions.

**DELETIONS/CHANGES/REMOVAL OF MOTIONS:**

**MOTION #32 - PEREA/STERLING - RESTORE STAFF POSITIONS AND CORRESPONDING OVERHEAD RESOURCES TO FY 2004 LEVELS FOR THE HUMAN RELATIONS COMMISSION**

Acting President Perea stated he wanted the minutes and this motion to reflect the funding source would be from the Independent Police Auditor with the \$22,000 balance put into the firefighter training program.

**MOTION #10 - BOYAJIAN/(STERLING-removed 2<sup>nd</sup>) - PLACE HOUSE OF HOPE, FRESNO WEST COALITION AND CURE PROGRAMS INTO CONTINGENCY**

Councilmember Sterling removed her second and the motion died and was removed.

**MOTION #11 - DUNCAN/(STERLING-removed 2<sup>nd</sup>)/CALHOUN - DIRECT \$250,000 OF P & D RESERVES FOR A 1-YEAR PROJECT TO WAIVE P & D FEES IN ROEDING BUSINESS PARK FOR NEW COMPANY RELOCATIONS TO FRESNO OR EXPANSIONS OF LOCAL COMPANIES**

Councilmember Sterling removed her second whereupon the motion was seconded by Councilmember Calhoun.

**MOTION #8 - DUNCAN/CALHOUN - RELOCATE THE \$65K OF CDBG FUNDING FOR THE FRESNO WEST COALITION INTO THE C.U.R.E. PROGRAM**

Councilmember Duncan split his motion into two motions as follows:

- 8A.** - Defund \$65,000 for the Fresno West Coalition
- 8B.** - Allocate \$65,000 of CDBG funds to C.U.R.E.

**MOTION #37 - DUNCAN/BOYAJIAN - APPROVE THE MASTER FEE SCHEDULE, AS AMENDED, TO REMOVE THE SAFE HOME FEE**

Councilmember Duncan stated the fee for the Safe Home (SHIP) program was premature because the ordinance was in draft form

and had not been in front of Council and modified his motion to approve the MFS with the removal of the Safe Home fee.

**MOTION #20 - DUNCAN/(CASTILLO-removed 2nd)/CALHOUN - CREATE A SPECIAL REVENUE FUND TO CAPTURE AND REPORT DUI CHECKPOINT REVENUES AND EXPENDITURES (NOTE - REMOVED LATER BY COUNCILMEMBER DUNCAN)**

President Castillo removed his second whereupon it was seconded by Councilmember Calhoun.

**MOTION #3 - CALHOUN/CASTILLO-removed 2nd/dies) - ALL FUNDING FOR THE EDUCATION KRA AS OUTLINED ON PAGE 11 TO BE PLACED INTO AN EDUCATION CONTINGENCY FUND UNTIL A STRONG CASE WITH SPECIFIC IMPLEMENTATION AND SPENDING PLAN CAN BE MADE FOR THESE NEW PROGRAMS INCLUDING COLLABORATION WITH THE SCHOOL DISTRICTS. THIS WILL NEED TO BE ACHIEVED BY OCTOBER 1<sup>ST</sup> (MODIFIED LATER BY COUNCILMEMBER CALHOUN)**

**143-240**

**6/22/04**

President Castillo removed his second. Upon call, no second was received and the motion was removed.

City Attorney Montoy advised a few motion were more direction and not part of adoption of the budget and recommended they be set aside and Council members schedule them on a future agenda. Brief discussion ensued.

**MOTION #20 - DUNCAN/CALHOUN - CREATE A SPECIAL REVENUE FUND TO CAPTURE AND REPORT DUI CHECKPOINT REVENUES AND EXPENDITURES**

Removed from the list by Councilmember Duncan who stated he would schedule it on an upcoming agenda.

**MOTION #24 - DUNCAN/DAGES - USE \$500K OF UNAPPROPRIATED HOME FUNDS FOR HMONG RESETTLEMENT SERVICES**

**MOTION #25 - DUNCAN/DAGES - MOVE \$800K OF HOME FUNDS IDENTIFIED BY STAFF FOR HMONG RESETTLEMENT SERVICES**

Councilmember Duncan removed the term "Hmong" and renamed it "Resettlement Services". Discussed again later.

**MOTION #13 - DUNCAN/CALHOUN - POLICE & FIRE DEPARTMENTS TO RETURN AT A LATER DATE WITH RECOMMENDATIONS ON CONSOLIDATION OF POLICE AND FIRE SERVICES AT THE AIRPORT**

Removed by Councilmember Duncan who stated he would schedule the issue on a upcoming agenda.

**MOTION #3 - CALHOUN/CASTILLO-removed 2nd/died) - ALL FUNDING FOR THE EDUCATION KRA AS OUTLINED ON PAGE 11 TO BE PLACED INTO AN EDUCATION CONTINGENCY FUND UNTIL A STRONG CASE WITH SPECIFIC IMPLEMENTATION AND SPENDING PLAN CAN BE MADE FOR THESE NEW PROGRAMS INCLUDING COLLABORATION WITH THE SCHOOL DISTRICTS. THIS WILL NEED TO BE ACHIEVED BY OCTOBER 1<sup>ST</sup>.**

Councilmember Calhoun questioned when he could modify the motion so it would not include all the funding with Ms. Montoy stating a new motion could be made later.

**MOTION #12 - STERLING/CASTILLO - ALLOCATE \$2 MILLION IN HOME FUNDS TO THE HOTEL FRESNO PROPOSAL BY THE NATIONAL FARM WORKERS SERVICE CENTER AS FOLLOWS: \$1 MILLION IN UNAPPROPRIATED FUNDS AND BY DEFUNDING THE NORTH AND CLARA SINGLE FAMILY PROJECT IN THE AMOUNT OF \$250,000, THE HAMMOND DEVELOPMENT PROJECT IN THE AMOUNT OF \$440,000, NEW AFFORDABLE HOUSING PROJECTS IN THE AMOUNT OF \$85,000, THE CITY MAKE OVER DEMONSTRATION PROJECT IN THE AMOUNT OF \$25,000 AND THE REMAINING FROM THE SQUIRE DEVELOPMENT PROJECT IN THE AMOUNT OF \$200,000**

Councilmember Sterling removed the motion since the funds were allocated last Tuesday. Finance Director Quinto stated staff would also show the actual motion and date on the AAR and AAP resolutions (#2 and #8 above).

**MOTION #29 - DUNCAN/DAGES - MOVE \$180K OF RESOURCES FOR THE INDEPENDENT POLICE AUDITOR (IPA) TO THE**



**CITY ATTORNEY DEPARTMENT FOR AN ADDITIONAL ATTORNEY POSITION TO DEAL WITH POLICE DEPARTMENT ISSUES AND FOR PTI TRAINING COSTS**

Councilmember Duncan stated the motion was to move \$180K of *general fund money* to the city attorney's office clarifying the funds were not connected to IPA.

**MOTION #36 - CALHOUN/BOYAJIAN - FIRE DEPARTMENT INSTRUCTED TO ADJUST FEES TO RECOVER AT LEAST 50% OF CITY SUBSIDY FOR FIRE INSPECTION SERVICES (APPROXIMATELY \$500K); PARKS INSTRUCTED TO ADJUST FEES TO RECOVER AT LEAST 25% OF CITY SUBSIDY FOR PARKS & RECREATION SERVICES; AND INTERNAL AUDITING STAFF TO COMPLETE A STUDY OF CITY PARKING CHARGES VS. PRIVATE SECTOR PARKING CHARGES**

Ms. Montoy stated this was another direction-type motion that could be scheduled at a later date. Upon questions of Councilmember Calhoun, Ms. Montoy clarified time was needed for staff review whereupon Councilmember Calhoun removed the motion and advised he would schedule the issue on an upcoming agenda.

**COUNCIL DELIBERATION AND ACTION ON REMAINING FY 2005 MOTIONS:**

**143-241**

**6/22/04**

**MOTION #1 - DUNCAN/CALHOUN - (1) MOVE ALL RESPONSIBILITY FOR STREET LANDSCAPING MAINTENANCE, INCLUDING MEDIAN ISLAND, COMMUNITY MAINTENANCE DISTRICTS AND LANDSCAPE MAINTENANCE DISTRICTS, FROM THE PARKS DEPARTMENT TO PUBLIC WORKS, STREETS DIVISION; (2) MOVE THE STAFF INVOLVED IN APPROVING LANDSCAPING PLANS FOR PROJECTS AND SUBDIVISIONS TO PUBLIC WORKS TO STREAMLINE PROJECT APPROVAL, (3) TRANSFER THE \$2.331 MILLION IN FUNDING CURRENTLY USED FOR THIS PURPOSE FROM THE LANDSCAPE MAINTENANCE DISTRICT #2, COMMUNITY FACILITIES DISTRICT #2 AND COMMUNITY SANITATION OPERATING BUDGETS, AND (4) DIRECT STAFF TO ESTABLISH THE PROCESS THAT ANY EXCESS MONEY SAVED AS A RESULT OF IMPROVED EFFICIENCY OR OTHER ADDITIONAL REVENUE STAY WITHIN THE DEPARTMENT TO PROVIDE FOR ADDITIONAL WORK BY THIS DEPARTMENT.**

Councilmember Duncan, City Manager Hobbs, Assistant City Manager Ruiz, Interim P & R Director Putnam and Assistant PW/Streets Director Dilley responded to questions and/or comments of Councilmembers Sterling, Dages, Perea, Boyajian and President Castillo relative to whether this would include all CFDs, concern with putting too much work on the streets division and if this was too much, if streets wanted this function, problem possibly not being the fault of the employees but maybe lack of leadership, need to keep the function in parks and identify/focus on the real problem and how to become more efficient, what the actual problem was in parks **(5 - 0)**, if the staffing would move along with the function, if any jobs would be lost, number of positions affected, what streets would do with the positions to be more efficient, and if city employees will have less work if portions are contracted out.

On motion of Councilmember Duncan, seconded by Councilmember Calhoun, duly carried, RESOLVED, Motion #1 hereby approved, by the following vote:

Ayes :	Calhoun, Duncan, Sterling, Castillo
Noes :	Boyajian, Dages, Perea
Absent :	None

**LUNCH RECESS - 12:13 P.M. - 2:03 P.M.**

**MOTION #35 - DAGES/STERLING - INCREASE MEDIAN ISLAND STAFF FOR THE EXISTING 2 POSITIONS TO AT LEAST 6 TO 8 POSITIONS; STAFF TO DETERMINE FUNDING SOURCE**

Councilmember Dages gave a brief overview, questioned if the item was moot due to the last motion, and stated it did not look like staff came up with a funding source, with Mr. Hobbs stating this might be an opportunity to assess the need and compare that to what is currently in place, whereupon Councilmember Dages stated he would schedule the matter on the agenda in about 90 days and removed the motion from the list.

**MOTION #2 - BOYAJIAN/CALHOUN - BANKSIDE AND MCKENZIE TRAIL PROPOSAL TO IDENTIFY \$200K OF FUNDING SOURCES AND BEGIN PRELIMINARY DISCUSSION FOR COMPREHENSIVE CITY-WIDE TRAIL SYSTEM**

Councilmember Boyajian gave an overview of the issue and to the lack of trails in the inner-city, and questioned if there were

funds in the public works budget, with Assistant Public Works Director Elam responding.

Lengthy discussion ensued with Councilmembers Sterling, Perea, Calhoun, Boyajian and President Castillo commenting and/or presenting questions relative to liability and risk issues, the FID not taking responsibility at this time, \$2 million for a fence that would have to be constructed, what the \$200K would get the city, who was currently liable, need to put staff's feet to the fire and approve the motion and need to move forward and work as a team with the County and FID to resolve issues, bike funds as a funding source, if funds were earmarked when the bike plan was implemented, if the bike plan for the McKenzie trail could be used to apply for a grant for Bankside, if the McKenzie trail was in the master plan, at what point the \$200K could be used and if they could be used as a grant natch, and opposition to utilizing bike funds, with Mr. Elam responding to questions throughout and clarifying Bike/Pedestrian money was an appropriate funding option.

On motion of Councilmember Boyajian, seconded by Councilmember Calhoun, duly carried, RESOLVED, Motion #2 approved and staff directed to use Bike/Pedestrian funds for this purpose and return with a plan for implementation, by the following vote:

Ayes : Boyajian, Calhoun, Dages, Duncan, Perea, Castillo  
 Noes : Sterling  
 Absent : None

143-242

6/22/04

**MOTION #3** - CALHOUN/CASTILLO-removed 2nd/dead) - ALL FUNDING FOR THE EDUCATION KRA AS OUTLINED ON PAGE 11 TO BE PLACED INTO AN EDUCATION CONTINGENCY FUND UNTIL A STRONG CASE WITH SPECIFIC IMPLEMENTATION AND SPENDING PLAN CAN BE MADE FOR THESE NEW PROGRAMS TO INCLUDE COLLABORATION WITH THE SCHOOL DISTRICTS. THIS WILL NEED TO BE ACHIEVED BY OCTOBER 1<sup>ST</sup>.

Councilmember Calhoun reviewed the background of the original motion, spoke to large amount of money for the Mayor's education initiatives, how much was new money, the proposed downtown vocational center, and how the State Center Community College District was responsible for providing vocational services and had an \$18 million reserve, stated he wanted to modify the motion adding if the motion passes it would free up \$450K of new education spending that could be spent, appropriated for additional motions or be left alone, and made a motion.

**MODIFIED MOTION #3** - CALHOUN/BOYAJIAN - PLACE \$450K OF NEW PROGRAM MONEY CONSISTING OF \$300K FOR THE DOWNTOWN VOCATIONAL SCHOOL, \$85K FOR THE NEW LITERACY PROGRAM, \$57K FOR THE EMPLOYMENT READINESS PROGRAM, AND \$8K FOR THE SUBSTANCE ABUSE EDUCATION CAMPAIGN INTO A CONTINGENCY ACCOUNT UNTIL FURTHER COUNCIL DIRECTION OR APPROPRIATION

A motion of Councilmember Calhoun, seconded by Councilmember Boyajian, to approve Modified Motion #3 failed, by the following vote:

Ayes : Boyajian, Calhoun  
 Noes : Dages, Duncan, Perea, Sterling, Castillo  
 Absent : None

**MOTION #39** - BOYAJIAN/DUNCAN - REALLOCATE \$600K ORIGINALLY ALLOCATED FOR THE ENRICHMENT PROGRAM IN THE PARKS & RECREATION BUDGET TO COUNCIL INFRASTRUCTURE BUDGETS

Councilmember Boyajian stated it was not the city' job to get in the education business and elaborated (**6 - 0**) and questioned why the city should duplicate programs offered by the Fresno Unified School District, churches and other agencies, and stated the city had its own responsibilities and education was not one of them and read the mission statement of the FUSD into the record.

Councilmember Duncan noted he seconded the motion but had since come to realize he did not know enough about the after-school program and even though he was reluctant to give more funds he felt the appropriate position was to maintain existing funding for one more year, and spoke to the importance of the literacy program that would be started at seven community center, withdrew his second, and requested if the following Motion #40 is approved that funds go back into the CDBG fund instead of council infrastructure budgets.

Upon call, there was no second and Motion #39 died.

**MOTION #40 - BOYAJIAN/DUNCAN - REALLOCATE \$57,000 ORIGINALLY ALLOCATED FOR THE EMPLOYMENT SKILLS PROGRAM IN THE PARKS & RECREATION BUDGET TO COUNCIL INFRASTRUCTURE BUDGETS, *AS MODIFIED TO GO BACK INTO CDBG, AND FURTHER AMENDED TO INCLUDE THE \$300K FOR THE DOWNTOWN VOCATIONAL SCHOOL AND THE \$85K FOR THE LITERACY PROGRAM***

Councilmember Boyajian accepted the recommendation of Councilmember Duncan to put the funds back into the CDBG fund.

Interim P & R Director Putnam and Finance Director Quinto responded to questions of Councilmember Sterling and President Castillo relative to whether these were new funds or already in existence.

Mayor's Office Educate Advocate Madrid clarified issues relative to funds and explained the program.

Councilmember Calhoun clarified this was only one-third of what Council wanted to go back into the CDBG fund and emphasized the motion needed to be expanded to include the \$300K for the vocational school and the \$85K for the Literacy program and elaborated, and stressed it was not the city's job to be a school away from school, urged Council say "no" to new programs noting existing programs would be left alone, and made a motion to amend the motion to include the \$300K and the \$85K, which amendment was accepted by Councilmember Boyajian. Councilmember Duncan withdrew his second and the motion was seconded by Councilmember Calhoun.

**143-243**

**6/22/04**

Upon the request of Councilmember Duncan, Mr. Madrid spoke at length to the vocational center and the progress made and to the literacy program and why it was so critical.

Upon question of Councilmember Sterling, City Attorney Montoy clarified the original motion was out, the \$57K was new CDBG money and budgeted in P & R, and this would not defund anything in the new fiscal year. Councilmember Sterling spoke in opposition to the motion and urged Council to vote no. Upon question of President Castillo, Mr. Madrid stated the entities the education office has been working with had not committed to any funding at this point.

A motion of Councilmember Boyajian, seconded by Councilmember Calhoun, to approve Motion #40 as modified reallocate \$57K for the Employment Skills program, \$300k for the downtown vocational school and \$85K for the literacy program currently in the P & R budget back into the CDBG fund failed, by the following vote:

Ayes :	Boyajian, Calhoun, Castillo
Noes :	Dages, Duncan, Perea, Sterling
Absent :	None

**MOTION #4 - CALHOUN/BOYAJIAN - INCREASE ENTRANCE FEE TO ROEDING PARK FROM \$1 TO \$2 TO BE MORE CONSISTENT WITH WHAT IS CHARGED AT WOODWARD PARK, WITH THE \$1 INCREASE TO BE USED FOR FUNDING OF CAPITAL IMPROVEMENTS WITHIN ROEDING PARK**

Councilmember Sterling spoke in opposition stating it would impact the poor and low income families. Councilmember Calhoun stated this was an issue of fairness issue and everyone needed to be treated the same and elaborated. Councilmember Duncan spoke in opposition due to the lack of a capital plan for Roeding Park adding when the fee was raised at Woodward Park a plan was in place, stated to raise the fee when there was no basis or just for the sake of raising it was not appropriate, and encouraged to Council to reject the following Motion #5 also.

A motion of Councilmember Calhoun, seconded by Councilmember Boyajian, to approve Motion #4 failed, by the following vote:

Ayes :	Boyajian, Calhoun
Noes :	Dages, Duncan, Perea, Sterling, Castillo
Absent :	None

**MOTION #5 - CASTILLO/STERLING - REDUCE THE ENTRY FEE AT WOODWARD PARK TO \$1 AND ENTRY FEE AT ROEDING PARK TO REMAIN AT \$1. OFFER A \$25 ANNUAL PASS TO ALL PARKS (MODIFIED BELOW)**

President Castillo modified the motion to keep the entrance fee at Woodward Park at \$3 and offer a \$25 annual pass for all parks with the revenues from the annual pass to be shared equally between Roeding and Woodward park for improvements, and questioned how long it would take for staff to report back with a capital improvement plan for Roeding park if approved. Interim P & R Director Putnam advised a \$55 family pass was already in place and Parks Manager McHatten responded to questions of President Castillo relative to how often the passes are sold/amount sold on a yearly basis and if they are advertised. President Castillo modified the motion to reduce the \$55 pass to \$25 stating \$55 was too much for families.

**MODIFIED MOTION #5 - CASTILLO/STERLING - KEEP THE ENTRY FEE AT WOODWARD PARK AT \$3 AND REDUCE THE \$55 ANNUAL PASS TO \$25 WITH REVENUES TO BE DIVIDED EVENLY BETWEEN ROEDING AND WOODWARD PARKS, SUBSEQUENTLY AMENDED TO EXCLUDE WOODWARD PARK WITH THE REVENUES TO GO EXCLUSIVELY TO ROEDING PARK FOR CAPITAL IMPROVEMENTS**

Upon question, Mr. McHatten stated staff could return with a capital plan for Roeding Park in 10 days. Assistant City Manager Souza responded to questions of Councilmember Calhoun relative to what the impact would be if the annual pass is reduced, with Councilmember Calhoun speaking in opposition to the motion and to the unfairness of the issue.

President Castillo further modified his motion to exclude Woodward Park from receiving revenues, which was accepted by Councilmember Sterling.

On motion of President Castillo, seconded by Councilmember Sterling, duly carried, RESOLVED, Motion #5 approved as modified, by the following vote:

**143-244**

**6/22/04**

Ayes : Duncan, Perea, Sterling, Castillo  
Noes : Boyajian, Calhoun, Dages  
Absent : None

**MOTION #6 - DUNCAN/PEREA - ESTABLISH A SACRAMENTO RELIEF CONTINGENCY FUND TO POOL REDIRECTED DEPARTMENT RESOURCES TO OFFSET THE EFFECTS OF THE STATE BUDGET CRISIS ON THE CITY**

Upon question of Councilmember Calhoun, President Castillo stated there was nothing on the motion list directed into this fund at this point but there might be money left over at the end. Councilmember Calhoun stated this sounded great but it meant nothing and he would oppose the motion. City Attorney Montoy clarified this was a direction issue and brief discussion ensued on removing it from the list.

A motion of Councilmember Duncan, seconded by Acting President Perea, to approve Motion #6 failed, by the following vote:

Ayes : Duncan, Perea, Castillo  
Noes : Boyajian, Calhoun, Dages, Sterling  
Absent : None

**MOTION #8 "A" AND "B" - DUNCAN/CALHOUN:**

**8A. - DEFUND \$65,000 FOR THE FRESNO WEST COALITION**

**8B. - ALLOCATE \$65,000 OF CDBG FUNDS TO C.U.R.E.**

Councilmember Sterling spoke in opposition stating the Fresno West Coalition came in third in the HCDC ranking and CURE was not in the top four that Council looked at and also did not follow the process and submit an application.

A motion of Councilmember Duncan, seconded by Councilmember Calhoun, to approve Motion #8A failed, by the following vote:

Ayes : Calhoun, Dages, Duncan  
Noes : Boyajian, Perea, Sterling, Castillo

Absent : None

Motion #8B became moot.

**MOTION #19 - CASTILLO/STERLING - \$300K CURRENTLY ALLOCATED FOR THE VOCATIONAL SCHOOL BE ALLOCATED TO THE FIRE DEPARTMENT TO PURCHASE A FIRE ENGINE AT EITHER STATION 1,3,4,5,7, OR 8 WHICH ARE ALL LOCATED WITHIN A CDBG ELIGIBLE AREA**

City Manager Hobbs stated there would be substantial federal regulations associated with use of this equipment if it is CDBG funded. Councilmember Sterling stated even though she seconded the motion originally she supported leaving the program as is due to the regulations, associated record keeping and the equipment lease not being due until 2006.

A motion of President Castillo, seconded by Councilmember Sterling, to approve Motion #19 failed, by the following vote:

Ayes : Castillo  
Noes : Boyajian, Calhoun, Dages, Duncan, Perea, Sterling  
Absent : None

**MOTION #22 - DUNCAN/DAGES - MOVE THE \$350K OF CDBG FUNDS FOR COMMUNITY YOUTH AND SENIOR CENTER FOR (HMONG) RECENT REFUGEE RESETTLEMENT SERVICES**

**-and-**

**MOTION #23 - DUNCAN/DAGES - MOVE \$300 OF CDBG FUNDS FROM THE DOWNTOWN VOCATIONAL CENTER FOR (HMONG) RECENT REFUGEE RESETTLEMENT SERVICES**

Councilmember Duncan clarified the terminology was changed to *Recent Refugee Resettlement Services*, and reviewed the issues clarifying in Motion #23 the Mayor had indicated a strong interest in utilizing the \$300K vocational center funds to help the city's newest residents to help find work, and relative to Motion #22 stated the program had not been completely thought through and there was no plan.

**143-245**

**6/22/04**

Councilmember Calhoun spoke in opposition due to the legality of targeting funds to a specific group, problems that might be encountered, and tying up the funds, stated the city was bending over backwards for something he felt was not needed, and stated he trusted staff and questioned what strategies staff was working on to help the new refugees, with Housing Manager Sigala responding. City Attorney Montoy followed up on her memo and advised she concluded it was legally permissible to allocate funds for the refugees and explained adding this pertained to Motions 22 through 25. Councilmember Calhoun reiterated it was not necessary to set funds aside and encouraged Council to leave the matter up to staff and the experts to do the right thing. Councilmember Dages spoke in support and to the need to welcome the Hmong community and encouraged Council's support and recommended the funds be used for English as a Second Language. Acting President Perea agreed the city needed to do something but stated he could not support #22 as it affected seniors but added he would support #23. President Castillo spoke in opposition as there was no spending plan and this was a county responsibility, and Councilmember Sterling spoke in support of Motion #22 noting Council did say they were going to do something..

A motion of Councilmember Duncan, seconded by Councilmember Dages, to approve Motion #22 failed, by the following vote:

Ayes : Dages, Duncan, Sterling  
Noes : Boyajian, Calhoun, Perea, \*Castillo  
Absent : None

**\*Clarifying note** - President Castillo originally voted "Aye" and the motion was deemed approved but shortly thereafter clarified he meant to vote "no" and stated his comments reflected his position and intended vote.

**MOTION #23 - DUNCAN/DAGES - MOVE \$300K OF CDBG FUNDS FROM THE DOWNTOWN VOCATIONAL CENTER FOR (HMONG) RECENT REFUGEE RESETTLEMENT SERVICES**

Councilmember Calhoun again stated he felt funds for the refugees should be left up to staff but reiterated he felt very strongly that the SCCC should pay for vocational services therefore he would vote in support of the motion.

On motion of Councilmember Duncan, seconded by Councilmember Dages, duly carried, RESOLVED, Motion #23 hereby

approved, by the following vote:

Ayes : Calhoun, Dages, Duncan, Perea  
 Noes : Boyajian, Sterling, Castillo  
 Absent : None

**MOTION #26 - STERLING/CASTILLO - DEFUND ALL PRIVATE PROJECTS IN CDBG FUNDING IN THE AMOUNT OF \$265,000 AND REALLOCATE THE FUNDS AS FOLLOWS: \$25,000 TO CONSUMER CREDIT COUNSELING, \$60,000 TO FUND, INC., \$60,000 TO FRESNO WEST COALITION, \$60,000 TO HOUSE OF HOPE, AND \$60,000 TO THE MARJAREE MASON CENTER**

Councilmember Sterling gave a brief overview of the issue. Councilmember Dages spoke in opposition stating things were being switched around to satisfy a councilmember and added the programs targeted to be defunded (CARE Fresno and CURE) had proven to be great programs. Councilmember Sterling responded to a question of Councilmember Duncan relative to why she wanted to defund CARE Fresno which he thought was one of the most effective anti-gang programs. President Castillo spoke in support of the motion stating CURE would be getting an additional \$40K on top of their \$600K contract which he noted had a balance left, added the \$40K allocated to them last year went to supplement a family with a downpayment clarifying the city had programs to do that and could have used the money, and stated the four agencies were the top four in the ranking process.

A motion of Councilmember Sterling, seconded by President Castillo, to approve Motion #26 failed, by the following vote:

Ayes : Sterling, Castillo  
 Noes : Boyajian, Calhoun, Dages, Duncan, Perea  
 Absent : None

**MOTION #9 - STERLING/(BOYAJIAN-removed) - MOVE THE \$180K FOR THE INDEPENDENT POLICE AUDITOR (IPA) TO A CONTINGENCY ACCOUNT UNTIL COUNCIL HAS THE OPPORTUNITY TO DISCUSS THE MATTER FURTHER AND RECEIVE FURTHER PUBLIC INPUT**

**143-246**

**6/22/04**

Councilmember Sterling stating putting the funds into contingency would allow time to discuss the issue publicly and look at the San Jose and Sacramento models, and spoke in support of an IPA stating it was needed for overview and to ensure more trust and was very important to her district and elaborated.

Councilmember Boyajian stated although he seconded the motion and supported the IPA position he wanted to just vote up or down on it clarifying if Council votes to eliminate the position there would be no reason to do this and withdrew his second. Upon call, the motion died for lack of a second.

**MOTION #28 - DUNCAN/DAGES - DEFUND AND ELIMINATE THE INDEPENDENT POLICE AUDITOR (IPA) POSITION AND CORRESPONDING BUDGET, WITH THE FUNDS (\$180K) TO GO BACK INTO THE GENERAL FUND**

Briefly reviewed by Councilmember Duncan. Councilmember Sterling spoke in opposition stating oversight and accountability was needed and the community she represented demanded that.

On motion of Councilmember Duncan, seconded by Councilmember Dages, duly carried, RESOLVED, Motion #28 hereby approved, by the following vote:

Ayes : Calhoun, Dages, Duncan, Perea, Castillo  
 Noes : Boyajian, Sterling  
 Absent : None

**MOTION #29 - DUNCAN/DAGES - MOVE \$180K OF RESOURCES FOR THE INDEPENDENT POLICE AUDITOR (IPA) TO THE CITY ATTORNEY DEPARTMENT FOR AN ADDITIONAL ATTORNEY POSITION TO DEAL WITH POLICE DEPARTMENT ISSUES AND FOR PTI TRAINING COSTS, AS MODIFIED, TO MOVE THE NECESSARY FUNDING FROM THE GENERAL FUND TO THE CITY ATTORNEY'S OFFICE FOR AN ADDITIONAL ATTORNEY POSITION TO DEAL WITH POLICE DEPARTMENT**

**ISSUES AND FOR PTI TRAINING COSTS, *and*, FURTHER MODIFIED AND SPLIT INTO TWO (2) MOTIONS (DISCUSSED AGAIN LATER IN THE MEETING WHEREIN COUNCILMEMBER STERLING CHANGED HER VOTE ON 29-A TO "AYE" AND MOTION 29A WAS APPROVED)**

Councilmember Duncan clarified he modified the motion and the final motion was to move the necessary funding from the general fund to the city attorney's office for an additional attorney position to deal with police department issues and for PTI training costs stating the full \$180K was not needed.

City Attorney Montoy and Finance Director Quinto responded to questions relative to the type of training at issue and amount. Councilmember Calhoun stated he supported the additional position but it was not right to subsidize training costs for one department only and requested the motion be split into two motions, which was accepted by Councilmember Duncan. Ms. Quinto clarified policy was to fund new positions for three-quarters of the year and that was why the lesser amount was put in. Ms. Montoy responded to questions of President Castillo relative to what the chances were of hiring someone before October 1<sup>st</sup> (**8 - 0**). Councilmember Calhoun stated general city policies made sense and he did not see any urgency here and recommended October 1<sup>st</sup> be kept.

**MOTION #29-A - MOVE THE NECESSARY FUNDING (\$75K) FROM THE GENERAL FUND TO THE CITY ATTORNEY'S OFFICE TO HIRE AN ADDITIONAL ATTORNEY POSITION FOR THREE-QUARTERS OF THE YEAR TO DEAL WITH POLICE DEPARTMENT ISSUES**

\*A motion of Councilmember Duncan, seconded by Councilmember Dages, to approve Motion #29-A failed, by the following vote:

Ayes :	Calhoun, Dages, Duncan
Noes :	Boyajian, Perea, *Sterling, Castillo
Absent :	None

\**Note* - Towards the end of the meeting Councilmember Sterling changed her vote to "Aye" **and Motion 29A was approved.**

**MOTION #29-B - MOVE THE NECESSARY FUNDING (\$13,300) FROM THE GENERAL FUND TO THE CITY ATTORNEY'S OFFICE FOR PTI TRAINING COSTS**

**143-247**

**6/22/04**

A motion of Councilmember Duncan, seconded by Councilmember Dages, to approve Motion #29-B failed, by the following vote:

Ayes :	Dages, Duncan
Noes :	Boyajian, Calhoun, Perea, Sterling, Castillo
Absent :	None

**MOTION #11 - (DUNCAN-withdrawn)/STERLING - DIRECT \$250,000 OF PLANNING AND DEVELOPMENT RESERVES FOR A ONE-YEAR PILOT PROJECT TO WAIVE PLANNING AND DEVELOPMENT FEES IN THE ROEDING BUSINESS PARK FOR NEW COMPANY RELOCATIONS TO FRESNO OR EXPANSIONS OF LOCAL COMPANIES**

Councilmember Duncan withdrew the motion stating he was requested by the city attorney and development director to delay the matter until they have a chance to work out legal issues and added he would bring it back at a later date.

**MOTION #34 - DUNCAN/BOYAJIAN - REALLOCATE THE \$238K IDENTIFIED BY THE DEPARTMENT FOR THE GOAL OF GETTING 25 FORTUNE 1000 COMPANIES TO RELOCATE TO FRESNO AS FOLLOWS: \$100K FOR A ROEDING BUSINESS PARK MARKETING PLAN AND \$138K FOR FEE WAIVERS FOR DOWNTOWN HOUSING PROJECTS (SUBSEQUENTLY MODIFIED)**

Economic Development Director Burkhardt responded to questions of Councilmember Duncan relative to the information provided to Council this date that if the motion succeeds the department will not have enough money to do all the things they do, his confusion with the budget breakdown, how the department's programs related to the goal, and concern that the \$238K was included in the budget but not identified Councilmember Duncan stated he was very dissatisfied with the department's budget and withdrew his motion.

Councilmember Calhoun stated the Roeding Business Park was very important and he did not want the funding issue to go away and advised he did not like the second part for fee waivers and made a modified motion.

**MODIFIED MOTION #34** - CALHOUN/BOYAJIAN - REALLOCATE \$150K OF THE \$238K IDENTIFIED BY THE DEPARTMENT FOR THE GOAL OF GETTING 25 FORTUNE 1000 COMPANIES TO RELOCATE TO FRESNO AS FOLLOWS: \$100K FOR ROEDING BUSINESS PARK FEE WAIVERS AND \$25K FOR A ROEDING BUSINESS PARK MARKETING PLAN

Councilmember Dages spoke in opposition stating it was difficult for the city to market something it did not own, stated once the land was assembled it would be the RDA's job to market it, and added he was also opposed waiving fees as it was precedent-setting. Councilmember Sterling concurred and urged Council go leave the department as it was stating they were doing a good job. Acting President Perea stated he liked the motion but did not like the way the motion was formed as topics as Council was just grabbing topics without thought. Councilmember Duncan stated the city or RDA going out and assembling land was one of the greatest misunderstandings about the Roeding Business Park and explained citing SB 975. President Castillo stated Calcot business park was very successful and suggested staff look at their model.

A motion of Councilmember Calhoun, seconded by Councilmember Boyajian, to approve *Modified* Motion #34 failed, by the following vote:

Ayes	:	Boyajian, Calhoun, Duncan
Noes	:	Dages, Perea, Sterling, Castillo
Absent	:	None

----

Budget proceedings were interrupted to address other scheduled matters..

**RECESS - 4:46 P.M. - 4:59 P.M.**

**(4:00 P.M.)** HEARING ON PLAN AMENDMENT NO. A-03-12, REZONE APPLICATION NO. R-03-60, CONDITIONAL USE PERMIT APPLICATION NO. C-03-205, AND ENVIRONMENTAL FINDINGS, FILED BY PALM AND HERNDON LLC, PROPERTY LOCATED ON THE SOUTHEAST CORNER OF N. PALM AND W. HERNDON AVENUES IN COUNCIL DISTRICT 2

**143-248**

**6/22/04**

1. CONSIDER AND ADOPT FINDING OF MITIGATED NEGATIVE DECLARATION FOR ENVIRONMENTAL ASSESSMENT NO. A-03-12/R-03-60/C-03-205
2. **RESOLUTION NO. 2004-204** - AMENDING THE 2025 FRESNO GENERAL PLAN AND THE BULLARD COMMUNITY PLAN
3. **RESOLUTION NO. 2004-205** - APPROVING CONDITIONAL USE PERMIT APPLICATION NO. C-03-205
4. **BILL NO. B-57 - ORDINANCE NO. 2004-58** - AMENDING THE OFFICIAL ZONE MAP TO REZONE THE PROPERTY FROM C-2/EA/UGM AND C-P/EA/cz TO C-6/EA/cz

President Castillo announced the time had arrived to consider the issue and opened the hearing. Planner Braun reviewed the issue as contained in the staff report as submitted and recommended approval.

Speaking to the issue were: Monte Montemagni, representing the applicant, who spoke further to the project and requested support; Barbara Hunt, 2475 S. Walnut, support; and Mr. and Mrs. Jeff Davis, 722 W. Magill, opposed.

Upon call, no one else wished to be heard and President Castillo closed the public hearing.

Councilmember Calhoun stated there was a long history to this project, lots of meetings were held and it went through the Bullard Implementation Advisory Committee, responded to concerns expressed, stated this project was less intrusive than the previously proposed grocery store and was a good project, very appropriate, and would increase property values, and made a motion to approve staff's recommendation, which was seconded and acted upon after brief discussion.



Councilmember Boyajian stated he could not support the motion as small litigation costs were involved and citizens would end up paying for the what the developer should pay. Mr. Braun, Mr. Montemagni, Planning & Development Director Yovino and Michael Shue, representing the applicant, responded to questions of President Castillo relative to the concerns expressed relative to loud-speakers, two-story building, lighting (**9 - 0**), and security.

On motion of Councilmember Calhoun, seconded by Councilmember Duncan, duly carried, RESOLVED, the finding of a Mitigated Negative Declaration for Environmental Assessment No. A-03-12/R-03-60/C-03-205, dated April 28, 2004, hereby approved; the above entitled Resolution No. 2004-204 hereby adopted, the above entitled Bill No. B-57 rezoning the subject property adopted as Ordinance No. 2004-58; and the above entitled Resolution No. 2004-205 approving CUP No. C-03-205 requesting authorization for the development of three auto dealerships within three buildings totaling 85,000 square feet and a fourth building for either a 50,000 square foot two story office building or a 20,000 square foot single story building for a fourth auto dealership hereby adopted, subject to the staff report conditions of approval and Exhibits A and B dated April 12, 2004, by the following vote:

Ayes : Calhoun, Dages, Duncan, Perea, Sterling, Castillo  
 Noes : Boyajian  
 Absent : None

- - - -

**(1-B) RESOLUTION NO. 2004-206 - APPROVING THE FINAL MAP OF TRACT NO. 5180 AND ACCEPTING DEDICATED PUBLIC USES THEREIN, NORTHEAST CORNER OF E. HUNTINGTON BOULEVARD AND "R" STREET IN COUNCIL DISTRICT 3**

Planning and Development Director Yovino advised all necessary signatures were in and recommended approval.

On motion of Councilmember Dages, seconded by Councilmember Duncan, duly carried, RESOLVED, the above entitled Resolution No. 2004-206 hereby adopted, and the Planning & Development Director authorized to execute the Condominium Conversion Agreement for Tract No. 5180, by the following vote:

Ayes : Boyajian, Calhoun, Dages, Duncan, Perea, Sterling, Castillo  
 Noes : None  
 Absent : None

- - - -

**(2-B) AUTHORIZE AND APPROVE THE AMENDED CONTRACT BETWEEN THE CITY OF FRESNO POLICE DEPARTMENT AND CURRENT ROTATIONAL TOW OPERATORS**

**143-249**

**6/22/04**

**1. BILL NO. B-57 - AMENDING SECTIONS OF THE FRESNO MUNICIPAL CODE RELATING TO THE FRESNO POLICE DEPARTMENT ROTATION TOW PROGRAM**

Chief Dyer reviewed the issue as contained in the staff report as submitted and recommended approval of the amendment and introduction of the ordinance.

Speaking to the issue were: Rae Burton, 1580 N. Sierra Vista, expressed some concerns; Joe Petz, 3423 E. Hammond, concerns with fines; John DeCicco, 2045 S. Van Ness, Action Towing, support overall; Barbara Hunt, 2475 S. Walnut; Devin McCracken, Bulldog Towing, 1805 N. Lafayette, support; and Roger Hanke, 4736 E. Belmont, U-Save Auto Sales, concern with rental companies paying release fees.

Police Records Bureau Supervisor Shugart, Chief Dyer and Finance Director Quinto responded to questions of Councilmember Dages relative to why rental companies have to pay release fees when they are not at fault, concern with fee amount for those who can't afford it, fee charges, the fees being included in the budget and consequence if they are not approved, and the police department's contingency amount including tow costs. Councilmember Calhoun spoke in support of staff's recommendation.

City Attorney Montoy recommended when the ordinance is introduced that a change be made on Section 6-1903 to not cite a Vehicle Code Section but instead include the language "pursuant to the authority covered by the Vehicle Code".

Extensive discussion ensued with Chief Dyer and Lt. Hall responding at length to numerous questions of President Castillo and Councilmember Duncan and/or clarifying issues relative ability to get vehicles out that are towed on Friday afternoon, increased storage fees, what happens to vehicles worth less than \$300, who determines the value of vehicles, totaled vehicles, if tow companies have to stay open on weekends, why pass through costs are not charged up front, vehicles sold that are not claimed **(10 - 0)**, tow companies doing all the work, concern with paperwork involved for operators, concerns and need for the ordinance to be reworked, if tow operators were invited to/involvement in meetings, if the ordinance if approved will be refined in the next 6 months, if this would allow tow operators to increase their revenues, if the fees are passed on to violators only, calls to get a tow, and support for the ordinance and need to do everything possible to discourage people from breaking the law. A motion and second was made to approve the amendment and introduce the ordinance as amended by the city attorney.

City Manager Hobbs stated a key point of the program was a large percentage of people paying the fees have broken the law and relative to support of the program stated it was supported overall and you could never get everyone's complete support. President Castillo stated if tow operators are being allowed to charge \$50 more and the city gets that back the city should be the ones charging the \$50 emphasizing tow operators had enough to do and they were lucky if they even break even, especially the "mom and pop" businesses.

On motion of Councilmember Duncan, seconded by Councilmember Calhoun, duly carried, RESOLVED, the above entitled Bill No. B-58 introduced before the Council, as amended, and laid over, by the following vote:

Ayes : Boyajian, Calhoun, Duncan, Sterling  
 Noes : Dages, Perea, Castillo  
 Absent : None

----

**(4-A) JOINT CLOSED SESSION WITH THE REDEVELOPMENT AGENCY - CONFERENCE WITH LEGAL COUNSEL - FRIEND-OF-THE-COURT PARTICIPATION - CASE NAME: HARVEY BOLTS V. THE CITY OF LAKE FOREST AND THE LAKE FOREST REDEVELOPMENT AGENCY**

The City Council met in joint closed session with the RDA in Room 2125 at the hour of 6:22 p.m. to consider the above issue and reconvened in regular open session at 6:57 p.m.

City Attorney Montoy announced Council approved joining of the amicus by a vote of 7-0.

----

**143-250**

**6/22/04**

**(5-A) SCHEDULED PUBLIC COMMENT - APPEARANCE BY GABE ZAMBRABA TO DISCUSS ALLOWING BMX RIDERS TO USE LYONS SKATE PARK**

Not present when called.

----

**(2-A) RESOLUTION NO. 2004-207 - APPROVING THE APPLICATION FOR AND ACCEPTANCE OF GRANT FUNDS UNDER THE TRANSPORTATION EQUITY ACT FOR THE 21<sup>ST</sup> CENTURY RE-AUTHORIZATION**

**1. RESOLUTION NO. 2004-208 - REGARDING AB 1012 "TIMELY USE OF FUNDING" ON TEA-21 PROGRAMS ADMINISTERED BY THE COUNCIL OF FRESNO COUNTY GOVERNMENTS (COG)**

Assistant City Manager Ruiz reviewed the issue as contained in the staff report as submitted and recommended the project list be approved to the move the process forward to the next step.

Gloria Torrez noted there were no FAX projects included in the first item presented and this year old projects were included and elaborated, and expressed concern stating bus riders were not getting the things they need.

Councilmember Calhoun stated there were some good projects and some not so good, expressed concern with the proposal to widen Golden State from Ashlan to Shaw being included when he has asked for basic resurfacing on Golden State from Shaw to Herndon, and spoke to the downtown circulation plan, the San Fe Depot restoration project, the Intermodal facility and the McKenzie trail project, with City Attorney Montoy, Transportation Manager Rudd and City Manager Hobbs responding to questions/comments throughout. Councilmember Dages requested staff notify him in January which district 5 projects get funded and stated he still wanted to pursue other arenas of monies for the Jensen/Peach traffic signal because a death was just a matter of time, and questioned how long it would take to implement the project once funds are approved, with an unidentified staff member responding it would be almost immediately.

Councilmember Duncan stated there might be a possibility the Park & Ride Lot at Copper and Friant may not be necessary as the developer was looking at constructing it, and made a motion to approve staff's recommendation. Councilmember Boyajian spoke to critical need to address the Shaw Avenue off-ramps, with Interim Public Works Director Kirn responding to the criteria that was used for the projects and the four areas that were being focused on.

On motion of Councilmember Duncan, seconded by Councilmember Sterling, duly carried, RESOLVED, the above entitled Resolution Nos. 2004-207 and 2004-208 hereby adopted, by the following vote:

Ayes	:	Boyajian, Dages, Duncan, Perea, Sterling, Castillo
Noes	:	Calhoun
Absent	:	None

----

Budget proceedings continued.

#### **CONTINUED COUNCIL DELIBERATION AND ACTION ON REMAINING MOTIONS :**

**MOTION #24 - DUNCAN/DAGES - USE \$500K OF UNAPPROPRIATED HOME FUNDS FOR RECENT REFUGEE RESETTLEMENT SERVICES**

Councilmember Duncan removed the motion due to Council's action on June 15<sup>th</sup> wherein Council used the funds for the Hotel Fresno project.

**MOTION #25 - DUNCAN/DAGES - MOVE \$800K OF HOME FUNDS IDENTIFIED BY STAFF FOR RECENT REFUGEE RESETTLEMENT SERVICES**

Councilmember Duncan stated the \$800K was identified by staff as being available for use as resettlement and this motion was to formalize the issue so staff can use the funds and reallocate them for this purpose. City Manager Hobbs stated he was not sure that was a staff recommendation or option. Planning & Development Yovino clarified these were CHDO funds and were not specifically designated for

**143-251**

**6/22/04**

resettlement but they could be prioritized for that use and added a commitment could not be made at this time to use the funds. **(11 - 0)** Brief discussion/questions/clarification ensued on options and if anything was currently in the pipeline for CHDO funds, with Mr. Hobbs, City Attorney Montoy and Mr. Yovino responding to questions.

A motion of Councilmember Duncan, seconded by Councilmember Dages, to approve Motion #25 failed, by the following vote:

Ayes	:	Dages, Duncan, Perea
Noes	:	Boyajian, Calhoun, Sterling, Castillo
Absent	:	None

**MOTION #14 - PEREA/DUNCAN - PURCHASE FOUR ENGINES AND TWO AERIAL LADDER TRUCKS AS DETAILED IN FIRE DEPARTMENT UNMET NEEDS**

Acting President Perea gave a brief overview of the issue. Councilmember Calhoun stated he had concerns initially but was now comfortable that the new engines would replace old ones in time.

On motion of Acting President Perea, seconded by Councilmember Duncan, duly carried, RESOLVED, Motion #14 hereby approved, by the following vote:

Ayes : Boyajian, Calhoun, Duncan, Perea, Sterling, Castillo  
 Noes : Dages  
 Absent : None

**MOTION #15 - PEREA/CASTILLO - REPLACE 60 OUTDATED PORTABLE RADIOS AT A COST OF \$48,600**

Briefly reviewed by Acting President Perea. Councilmember Calhoun spoke briefly to need and stated this was in a shaky area and urged Council to pass on it.

On motion of Acting President Perea, seconded by President Castillo, duly carried, RESOLVED, Motion #15 hereby approved, by the following vote:

Ayes : Duncan, Perea, Sterling, Castillo  
 Noes : Boyajian, Calhoun, Dages  
 Absent : None

**MOTION #33 - CASTILLO/STERLING - ELIMINATE THE PUBLIC INFORMATION(AFFAIRS) OFFICER POSITION TO REPLACE 60 OUTDATED PORTABLE RADIOS FOR THE FIRE DEPARTMENT AT A COST OF \$48,600 WITH THE BALANCE GOING TO REFUGEE RESETTLEMENT SERVICES**

Councilmember Duncan stated he was disappointed with the motion and presented questions relative to the duties and need for the position, and along with Councilmember Calhoun spoke in support of the position, with Public Affairs Officer Otsott responding to questions. Councilmember Boyajian stated the city did fine without the position before and could do without it again but clarified he did not support the funds going to refugee resettlement and preferred they go back into the general fund.

A motion of President Castillo, seconded by Councilmember Sterling, to approve Motion #33 failed, by the following vote:

Ayes : Sterling, Castillo  
 Noes : Boyajian, Calhoun Dages, Duncan, Perea  
 Absent : None

**MOTION #16 - CASTILLO/PEREA - REALLOCATE \$158K FROM PTI TRAINING TO FUND THE FIRE ACADEMY**

A motion of President Castillo, seconded by Councilmember Perea, to approve Motion #16 failed, by the following vote:

**143-252**

**6/22/04**

Ayes : Perea, Sterling, Castillo  
 Noes : Boyajian, Calhoun, Dages, Duncan  
 Absent : None

**MOTION #17 - DAGES/CASTILLO - APPROVE THE AIRPORTS DEPARTMENT BUDGET**

Removed/moot.

**MOTION #18 - STERLING/DAGES - APPROVE THE ECONOMIC DEVELOPMENT BUDGET**

Councilmember Dages withdrew his second. Upon call, the motion died for lack of a second.

**MOTION #27 - CALHOUN/BOYAJIAN - MOVE THE \$50K OF CAPITAL FUNDS CURRENTLY IN EACH OF THE COUNCIL DISTRICT OPERATING BUDGETS TO EACH DISTRICT'S INFRASTRUCTURE BUDGET**

Briefly reviewed by Councilmember Calhoun who clarified Council would be accountable for using the funds for infrastructure purposes only and added 15% would still be available for use for non-infrastructure items. Councilmember Dages spoke in opposition stating this was general fund money and not infrastructure money, stated Council members were all mature adults and could handle the funds, stated this was a matter of responsibility and urged the funds stay in the operating budgets and added if he has to answer to the public on how he spends his money that was his responsibility.

A motion of Councilmember Calhoun, seconded by Councilmember Boyajian, to approve Motion #27 failed, by the following vote:

Ayes : Boyajian, Calhoun, Perea  
 Noes : Dages, Duncan, Sterling, Castillo  
 Absent : None

**MOTION #38 - DAGES/STERLING - (DISTRICT #5-removed) - MOVE (\$24K) \$26,250 FROM OUTSIDE AGENCY SUPPORT TO MISCELLANEOUS EXPENSES *INSTEAD OF THE 15%*; ADDITIONALLY, EACH DISTRICT WILL HAVE DISCRETION ON HOW THEY WILL SPREAD THE \$50K IN OUTSIDE AGENCY SUPPORT BETWEEN THE TWO ACCOUNTS**

Councilmember Duncan modified the motion to limit the amount to a flat amount of \$26,250 and not a percentage (15%). Councilmember Calhoun spoke in strong opposition, stated this was called a slush fund, there would be no accountability and this was a bad road to go down, clarified the agreement was to shave off infrastructure funds because millions of dollars were going into neighborhoods, and implored Council to oppose the motion adding Council was cheating the Mayor's gentleman's agreement and stated what one person does spills onto the entire Council. Upon question of Councilmember Duncan, City Attorney Montoy stated Council members had the option to use the entire \$50K on infrastructure or \$26,250 on community services, and upon further question it was clarified this applied to all districts and "District 5" was removed from the motion.

On motion of Councilmember Dages, seconded by Councilmember Sterling, duly carried, RESOLVED, Motion #38 hereby approved, as modified to limit the amount to a flat amount of \$26,250 and not a percentage (15%), by the following vote:

Ayes : Dages, Duncan, Perea, Sterling, Castillo  
 Noes : Boyajian, Calhoun  
 Absent : None

**MOTION #30 - PEREA/STERLING - CREATE A TASK FORCE TO INVESTIGATE THE CONSOLIDATION OF LEGAL SERVICE RESOURCES AND THE MIX OF IN-HOUSE VS. CONTRACTED COUNCIL TO HANDLE THE CITY ATTORNEY DEPARTMENT CASELOAD WITH A REPORT TO BE BROUGHT BACK WITHIN 90 DAYS FROM 6/16/04**

City Attorney Montoy noted this was another direction-type motion and it was removed from the list.

**MOTION #31 - STERLING/DAGES - STAFF TO INVESTIGATE OPTIONS TO MEET THE CITY CLERK DEPARTMENT'S UNMET NEEDS FOR NEW JOB CLASSES (DEPUTY CITY CLERK SERIES)**

143-253

6/22/04

Councilmember Sterling stated the motion was self-explanatory. Brief discussion ensued on whether this was another direction-type motion, if this involved funds, and what "investigate" meant, with City Clerk Klisch, Finance Director Quinto and City Attorney Montoy responding and advising the motion would not require the funding at this time and if the motion were approved the matter would come back with a budget amendment. Councilmember Calhoun stated this motion was not clear and not thought through and encouraged the motion-maker to take it back for further review and bring it back in a more appropriate manner.

On motion of Acting President Perea, seconded by Councilmember Sterling, duly carried, RESOLVED, Motion #31 (investigate options to meet the unmet need and allocate \$9,750 to implement the need if staff's study determines it is appropriate) hereby approved, by the following vote:

Ayes : Boyajian, Dages, Perea, Sterling  
 Noes : Calhoun, Duncan, Castillo  
 Absent : None

**MOTION #32 - PEREA/STERLING - RESTORE STAFF POSITIONS AND CORRESPONDING OVERHEAD RESOURCES TO FY 2004 LEVELS FOR THE HUMAN RELATION COMMISSION; FUNDING SOURCE WOULD BE FROM THE INDEPENDENT POLICE AUDITOR FUNDS (\$180k) WITH THE \$22,000 BALANCE PUT INTO THE FIREFIGHTER TRAINING PROGRAM**

On motion of Acting President Perea, seconded by Councilmember Sterling, duly carried, RESOLVED, Motion #32 hereby approved, by the following vote:

Ayes : Boyajian, Perea, Sterling, Castillo  
 Noes : Calhoun, Dages, Duncan  
 Absent : None

**NEW MOTION - BOYAJIAN/DUNCAN - APPROVE THE MODIFIED 7-WEEK NEIGHBORHOOD PROGRAM**

On motion of Councilmember Boyajian, seconded by Councilmember Duncan, duly carried, RESOLVED, the Modified 7-Week Neighborhood Program hereby approved, by the following vote:

Ayes : Boyajian, Calhoun, Dages, Duncan, Perea, Sterling, Castillo  
 Noes : None  
 Absent : None

**MOTION #29 -A - MOVE THE NECESSARY FUNDING (\$75K) FROM THE GENERAL FUND TO THE CITY ATTORNEY'S OFFICE TO HIRE ADDITIONAL ATTORNEY POSITION FOR THREE-QUARTERS OF THE YEAR TO DEAL WITH POLICE DEPARTMENT ISSUES**

(A motion of Councilmember Duncan, seconded by Councilmember Dages, to approve Motion 29-A failed, by the following vote:

**Ayes:** Calhoun, Dages, Duncan - **Noes:** Boyajian, Perea, Sterling, Castillo)

Councilmember Sterling noted the above vote and changed her vote from "No" to "Aye" and Motion 29-A was approved. Ms. Quinto and Ms. Montoy stated with approval of Motion 29-A the budget was out of balance by approximately \$75K but that was no unusual in this process, and that a balanced budget was required by the second Tuesday of August.

**MAYOR'S EDUCATIONAL INITIATIVES - COUNCILMEMBER CALHOUN**

Upon question of Councilmember Calhoun, Ms. Quinto and Ms. Montoy confirmed the \$85K was still included for the Literacy program, the vocational school was not funded, the Employment Skills program was still funded at \$57K, and \$8,000 was still in for the Substance Abuse Education Campaign.

**NEW MOTION - CALHOUN/BOYAJIAN - ELIMINATE \$85K FOR THE NEW LITERACY PROGRAM, \$57K FOR THE EMPLOYMENT READINESS PROGRAM, AND \$8K FOR THE SUBSTANCE ABUSE EDUCATION CAMPAIGN**

**143-254**

**6/22/04**

Relative to Motion #23 Councilmember Duncan clarified the \$300K for the vocational center was going to be used for development of vocational training services to help the new refugees and begin a foundation to help others, **(12 - 0)** and spoke in opposition to the new motion due to the value of the Literacy program stating he reviewed and understood the program and stated Council should have also done that.

A motion of Councilmember Calhoun, seconded by Councilmember Boyajian, to approve the above new motion failed, by the following vote:

Ayes : Boyajian, Calhoun, Castillo  
 Noes : Dages, Duncan, Perea, Sterling  
 Absent : None

**MOTION #37 - DUNCAN/BOYAJIAN - APPROVE THE MASTER FEE SCHEDULED, AS AMENDED, TO REMOVE THE SAFE**

HOME FEE, **AND FINALLY MODIFIED** TO JUST REMOVE THE SAFE HOME IMPLEMENTATION (SHIP) PROGRAM FEE FROM THE MFS AND **NOT** APPROVE THE MFS

Councilmember Duncan gave a brief overview and along with Planning & Development Director Yovino responded to questions of President Castillo relative to what the Safe Home program was and if an amendment to the MFS could be processed when the issue is brought back in July or August.

Brief discussion ensued on the budget documents to be adopted whereupon the motion was modified to remove the Safe Home Program from the MFS until the ordinance comes back to Council.

On motion of Councilmember Duncan, seconded by Councilmember Boyajian, duly carried, RESOLVED, Motion #37 hereby approved, *as modified*, removing the Safe Home Implementation Program fee from the MFS until the ordinance comes back to Council, by the following vote:

Ayes : Boyajian, Calhoun, Dages, Duncan, Perea, Sterling, Castillo  
 Noes : None  
 Absent : None

#### **ADOPTION OF BUDGET DOCUMENTS:**

**2 RESOLUTION NO. 2004-209** - ADOPTING THE FY 2004-2005 BUDGET, INCLUDING THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) BUDGET AND THE ANNUAL APPROPRIATION RESOLUTION (AAR), **AS AMENDED**

On motion of Councilmember Sterling, seconded by Councilmember Duncan, duly carried, RESOLVED, the above entitled Resolution No. 2004-209 hereby adopted, as amended, by the following vote:

Ayes : Boyajian, Calhoun, Duncan, Perea, Sterling, Castillo  
 Noes : Dages  
 Absent : None

**3. RESOLUTION NO. 2004-210** - ADOPTING THE FY 2004-2005 POSITION AUTHORIZATION RESOLUTION (PAR), **AS AMENDED**

Councilmember Calhoun stated he was opposing the resolution due to the 54 positions for the No Neighborhood Left Behind program and also because of the 22 additional police officers as he was convinced the city could afford to pay for them.

On motion of Councilmember Boyajian, seconded by President Castillo, duly carried, RESOLVED, the above entitled Resolution No. 2004-210 hereby adopted, as amended, by the following vote:

Ayes : Boyajian, Perea, Dages, Sterling, Castillo  
 Noes : Calhoun, Duncan  
 Absent : None

143-255

6/22/04

(\*Note - At the end of the meeting Councilmember Duncan clarified his vote in opposition was due to the 54 positions for the No Neighborhood Left Behind program and had nothing to do with the additional police officers.)

**4. RESOLUTION NO. 2004-211** - ADOPTING THE ANNUAL AMENDMENT TO MASTER FEE SCHEDULE RESOLUTION NO. 80-420, **AS AMENDED**

Councilmember Calhoun stated he would vote in support of the resolution with a degree of protest as he was concerned with the inadequacy of the fee schedule and subsidies.

On motion of Councilmember Duncan, seconded by Councilmember Boyajian, duly carried, RESOLVED, the above entitled Resolution No. 2004-211 hereby adopted, as amended, by the following vote:

Ayes : Boyajian, Calhoun, Dages, Duncan, Perea, Sterling, Castillo  
Noes : None  
Absent : None

**5. BILL NO. B-59 - ORDINANCE NO. 2004-59 - (FOR INTRODUCTION AND ADOPTION) - ADOPTING THE PROPERTY TAX OVERRIDE (PTO) ORDINANCE**

On motion of Councilmember Duncan, seconded by Councilmember Boyajian, duly carried, RESOLVED, the above entitled Bill No. B-59 adopted as Ordinance No. 2004-59, by the following vote:

Ayes : Boyajian, Calhoun, Duncan, Perea, Sterling, Castillo  
Noes : Dages  
Absent : None

**6. RESOLUTION NO. 2004-212 - SELECTING METHODOLOGY FOR DETERMINATION OF THE FY 2004-2005 GANN APPROPRIATION LIMIT, RELATING TO THE FY 2004-2005 CITY BUDGET**

Finance Director Quinto gave a brief overview of the issue as requested by Councilmember Sterling.

On motion of Councilmember Sterling, seconded by Councilmember Duncan, duly carried, RESOLVED, the above entitled Resolution No. 2004-212 hereby adopted, by the following vote:

Ayes : Boyajian, Calhoun, Dages, Duncan, Perea, Sterling, Castillo  
Noes : None  
Absent : None

**7. RESOLUTION NO. 2004-213 - ADOPTING THE FY 2005 SALARY RESOLUTION (ESTABLISHING RULES FOR THE APPLICATION OF CITY EMPLOYEE COMPENSATION RATES AND SCHEDULES AND RELATED REQUIREMENTS, AND ESTABLISHING COMPENSATION RATES AND SCHEDULES)**

On motion of Councilmember Duncan, seconded by Councilmember Boyajian, duly carried, RESOLVED, the above entitled Resolution No. 2004-213 hereby adopted, by the following vote:

Ayes : Boyajian, Calhoun, Dages, Duncan, Perea, Sterling, Castillo  
Noes : None  
Absent : None

**8. RESOLUTION NO. 2004-214 - APPROVING SUBMISSION OF THE FY 2005 ANNUAL ACTION PLAN TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) FOR USE OF COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG), HOME INVESTMENT PARTNERSHIP (HOME), EMERGENCY SHELTER GRANT (ESG), AND THE AMERICAN DREAM DOWNPAYMENT INITIATIVE (ADDI) PROGRAM FUNDS, AND AUTHORIZING THE CITY MANAGER TO SIGN ALL IMPLEMENTING DOCUMENTS AS REQUIRED BY HUD, AS AMENDED**

143-256

6/22/04

On motion of Councilmember Sterling, seconded by Councilmember Duncan, duly carried, RESOLVED, the above entitled Resolution No. 2004-214 hereby adopted, as amended, by the following vote:

Ayes : Boyajian, Calhoun, Dages, Duncan, Perea, Sterling, Castillo  
Noes : None  
Absent : None

Councilmember Duncan clarified his vote in opposition to the PAR was based only on the 54 positions for the No Neighborhood Left Behind program and had nothing to do with the additional police officers.



City Attorney Montoy advised the of steps hereafter relative to the process, veto, and timelines.

----

**ADJOURNMENT**

There being no further business to bring before the City Council, the hour of 8:33 p.m. having arrived and hearing no objections, President Castillo declared the meeting adjourned.

**APPROVED** on the \_\_\_\_29th\_\_\_\_ day of \_\_\_\_June\_\_\_\_, 2004.

\_\_\_\_\_/s/\_\_\_\_ ATTEST:\_\_\_\_\_/s/\_\_\_\_

\_\_\_\_\_  
Brad Castillo, Council President

Yolanda Salazar, Assistant City Clerk

